

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DEVON WALKER,

Plaintiff,

V.

## CITY OF BREMERTON, et al,

## Defendants.

No. C10-5479RJB

ORDER DISMISSING CASE WITHOUT  
PREJUDICE

This matter comes before the Court on Plaintiff's Amended Complaint (Dkt. 10) and on review of the file.

On July 7, 2010, Plaintiff filed a civil rights complaint and an application to proceed *in forma pauperis*. Dkt. 1. On July 13, 2010, the Court issued an order, granting Plaintiff's application to proceed *in forma pauperis* and directing him to file an amended complaint, curing the deficiencies identified in the court's order, not later than July 28, 2010. Dkt. 2.

On August 5, 2010, Plaintiff filed a motion for extension of time to respond to the Court's July 13, 2010 order. Dkt. 7. On August 11, 2010, the Court granted Plaintiff's motion for extension of time, providing until September 3, 2010 for Plaintiff to file an amended complaint that cures the deficiencies identified in the Court's July 13, 2010 order. Dkt. 8.

1 On September 9, 2010, with no apparent amended complaint received, the Court issued  
2 an order dismissing Plaintiff's case without prejudice. Dkt. 9. On September 10, 2010, the  
3 Court's clerk filed an amended complaint received from Plaintiff on September 8, 2010. Dkt.  
4 10. Although Plaintiff filed his amended complaint after the date afforded, on September 10,  
5 2010, the Court vacated the order dismissing this case. Dkt. 11. In its September 10, 2010 order,  
6 the Court directed Plaintiff to return a completed service form and a copy of his amended  
7 complaint by October 10, 2010 for each Defendant identified in his amended complaint, or risk  
8 dismissal of his case. *Id.*

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10 On review of the file, it is apparent that Plaintiff has failed to comply with the Court's  
11 September 10, 2010 order. Accordingly, this case should be dismissed without prejudice.

12 Therefore, it is hereby **ORDERED** that Plaintiff's amended complaint (Dkt. 10) is  
13 **DISMISSED WITHOUT PREJUDICE.**

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15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
16 to any party appearing *pro se* at said party's last known address.

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18 DATED this 18th day of October, 2010.

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22 ROBERT J. BRYAN  
23 United States District Judge  
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